



STATE OF WASHINGTON
WASHINGTON STATE PATROL

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March 10, 2022

Washington Association of Prosecuting Attorneys
206 10th Ave SE
Olympia, WA 98501

Subject: Potential Impeachment Disclosure Concerning Breath Test Documents – External Standard

On March 3, 2022, the Impaired Driving Section (IDS) discovered that it is possible for a breath test document to be produced for evidential tests performed on the Draeger Alcotest 9510 when the external standard check is outside the acceptable range of 0.072 to 0.088 g/210 L, inclusive, as defined in the Washington Administrative Code (WAC 448-16-050).

A comprehensive review of the approximately 130,000 evidential breath test data entries from the Draeger currently uploaded into the Impaired Driving Section database has been initiated. To date, preliminary evaluation of these results has identified 29 instances where a breath test document was potentially produced when the Electrochemical (EC) External Standard result was outside the acceptable range.

A list of those tests which have been identified with an EC External Standard result outside the acceptable range is attached.

A representative of Draeger Diagnostics was notified of the issue by phone on March 4, 2022. After analyzing raw data files from a sample of the affected breath tests, Draeger Diagnostics determined that in each case reviewed, the external standard concentration was entered as 0.081 g/210 L during a cylinder change. The acceptable range was calculated by the instrument as $\pm 10\%$ of this value, thus increasing the upper limit to 0.089 g/210 L.

Communication was sent to all technicians instructing them to only enter a value of 0.080 g/210 L as the concentration for the external standard.

If you need additional information, please contact Lieutenant Clark Jones at Clark.Jones@wsp.wa.gov.

Sincerely,

Lieutenant Clark G. Jones
Impaired Driving Section

CGJ:skh
Attachment

cc: Dr. Fiona J. Couper, Forensic Laboratory Services Bureau
Ms. Amanda M. Black, Toxicology Laboratory Division



Serial Number	Date	Obs Time	Citation	Operator Last Name	Operator Agency Code	BrAC 1 IR	BrAC 1 EC	ES IR	ES EC	BrAC 2 IR	BrAC2 EC	Sts
ARKC-0062	9/24/2018	20:07:00	1826701771	FETTER, ARTHUR R	0270400	0.268	0.274	0.085	0.089	0.273	0.273	0
ARKC-0062	10/16/2018	00:46:00	1828900025	FETTER, ARTHUR R	0270400	0.117	0.12	0.086	0.089	0.118	0.119	0
ARKC-0060	10/18/2018	17:38:00	1829101593	NESTOR, SHAUN	0270100	0.279	0.293	0.083	0.089	0	0	46
ARKC-0060	10/21/2018	08:23:00	1829400340	RICE, D D	0270100	0.138	0.145	0.084	0.089	0.144	0.151	0
ARKC-0060	10/25/2018	20:43:00	8Z0966655	JOHNSTON, TOBIE J	0271400	0.279	0.294	0.084	0.089	0.288	0.301	0
ARKC-0062	10/27/2018	02:00:00	123	FRAZIER, JACK P	WA027040	0.001	0	0.087	0.089	0.001	0	0
ARKC-0060	11/2/2018	23:16:00	1830602289	DONOVAN, PATRICK A	0270900	0.12	0.127	0.084	0.089	0.109	0.116	0
ARKC-0062	11/3/2018	19:58:00	18-029318	SEABURG, RAYMOND E	WSP0217	0.126	0.131	0.086	0.089	0.125	0.128	0
ARKC-0060	11/4/2018	01:15:00	1830800013	WICKS, JORDAN P	0270100	0.113	0.12	0.084	0.089	0.109	0.115	0
ARKC-0060	11/4/2018	21:49:00	1830801664	SHELTON-JOHNSON, KALEB	0270100	0.251	0.265	0.083	0.089	0.249	0.261	0
ARKC-0060	11/11/2018	03:12:00	1831500184	VANCE, NATE J	0271400	0.199	0.209	0.084	0.089	0.197	0.206	0
ARKC-0062	11/16/2018	08:58:00	18-030551	DERR, ANDREW J	WSP0104	0.267	0.27	0.084	0.089	0.256	0.259	0
ARKC-0060	11/18/2018	21:26:00	1832201529	BOND, ANDREW D	0270100	0.103	0.11	0.084	0.089	0.11	0.115	0
ARKC-0067	5/4/2019	12:25:00	1912400004	DEFFIT, LUIS L	0271300	0.148	0.156	0.084	0.089	0.149	0.155	0
ARKC-0069	6/12/2020	03:03:00	2016400140	BAILEY, ALEXANDER ELLIOTT E	0270000	0.187	0.2	0.082	0.089	0.183	0.196	0
ARKC-0067	6/18/2020	23:00:00	2017001983	DEFFIT, LUIS L	0271300	0.213	0.227	0.082	0.089	0.224	0.237	0
ARKC-0069	6/23/2020	01:08:00	2017402204	PARHAM, PATRICK A	0270000	0.051	0.055	0.082	0.089	0.053	0.057	0
ARKC-0069	6/28/2020	01:06:00	20-010287	SIX, BRANDON K	WSP0113	0.078	0.084	0.083	0.089	0.082	0.087	0
ARKC-0069	6/30/2020	19:32:00	20-010447	SANBORN, JOSHUA A	WSP0103	0.048	0.052	0.083	0.089	0.048	0.052	0
ARKC-0069	7/4/2020	02:46:00	20-010657	DATTILO, JOHN D	WSP0103	0.098	0.107	0.082	0.089	0.106	0.114	0
ARKC-0067	7/16/2020	21:14:00	2019802074	DEFFIT, LUIS L	0271300	0.055	0.06	0.083	0.089	0.055	0.059	0
ARLC-0009	6/18/2021	13:57:00	21-001086	JENKINS, DAVID W	WSP0104	0.137	0.144	0.083	0.089	0.135	0.144	0
ARKD-0018	7/16/2021	00:36:00	21-012801	MAGERSTAEDT, JOSHUA H	WSP0808	0.217	0.23	0.083	0.089	0.216	0.224	0
ARKD-0018	8/1/2021	15:48:00	9060067	RICE, STEVEN D	0000004	0.028	0.03	0.085	0.089	0.026	0.027	0
ARKC-0072	11/7/2021	01:08:00	2131100037	URCKFITZ, SEAN A	0271100	0.169	0.175	0.083	0.089	0.162	0.168	0
ARKC-0066	11/16/2021	20:31:00	21-019558	BIDOT, P	WSP0113	0.24	0.249	0.083	0.089	0.241	0.25	0
ARKC-0072	11/25/2021	00:16:00	2132802245	PALMA, PJ S	0271100	0.187	0.194	0.083	0.089	0.192	0.199	0
ARKC-0072	12/12/2021	04:38:00	2134600275	URCKFITZ, SEAN A	0271100	0.143	0.148	0.083	0.089	0.154	0.16	0
ARKC-0072	1/17/2022	01:45:00	2201700077	FELEPPA, GREGORY	0271100	0.162	0.168	0.083	0.089	0.155	0.161	0